

UNITED STATES OF AMERICA,

X

-against-

: NOTICE OF MOTION: FOR A CONTINUANCE

AQUAYA S. PERRY

:

X

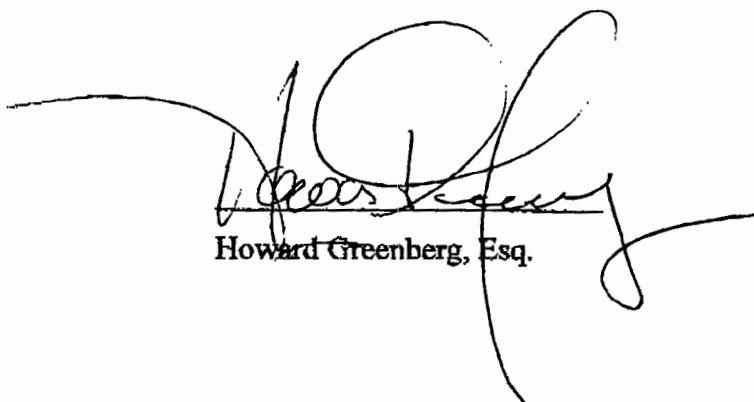
HON. NATHANIEL GORTON

UNITED STATES DISTRICT JUDGE:

PLEASE TAKE NOTICE, that upon this application, Howard Greenberg, an attorney duly admitted pro hac vice to the Bar of the Federal District Court of the District of Massachusetts for purposes of this case, the undersigned moves the Court for an adjournment for the purpose of the defendant's trial of her cause:

1. The defendant's case was scheduled for a plea on February 24, 2006, the Government having not been ready to go forward with the plea on the last adjournment date;
2. The equitable agreement heretofore, I believed, consisted of both sides engaging in their best efforts to see to it that the defendant would not go to jail upon her plea;
3. On January 23, 2006, I learned for the first time that the Government would, in no uncertain terms, be asking the Court to sentence the defendant within the advisory guidelines range upon her plea to misprison of a felony (21-27 months);
4. I also learned for the first time on the 23<sup>rd</sup> that the trial of two co-defendant's had been scheduled for trial on February 6, 2006, an arrangement that was wholly and totally unbeknownst to me;
5. It would be malpractice for me not to ask for an adjournment to prepare for trial when every indication until yesterday was that this case was going to result in a plea bargain; I was in fact on trial in People -v- Clodis Spencer, Kings County Supreme Court when I learned the news about the change in equities that would necessitate a trial for defendant Perry;

6. Both the Assistant United States Attorney, directly, and co-counsel Elliot Weinstein, indirectly, have indicated that February 27<sup>th</sup> would not present problems as a trial date;
7. I make these representations as an officer of the Court under penalty of perjury



Howard Greenberg, Esq.